

REMARKS

Claims 1-4 are currently pending in the application.

I. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102 as being anticipated by Hirst (US Patent No. 5,789,723). The rejection is respectfully traversed.

Claim 1 of the present application, as amended, reads:

1. An average current estimation circuit comprising:
 - (a) a diode;
 - (b) a resistor in series with a switch, with the resistor coupled to the cathode of the diode;
 - (c) an RC filter in parallel with the resistor and switch of element (b).

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994).

In rejecting claim 1, the Office Action states:

Regarding claim 1, Hirst discloses a device comprising (Figure 12) (a) a diode; (b) a resistor in series with a switch (M_2), with the resistor coupled to a termination of the diode; (c) an RC filter in parallel with the resistor and switch of element (b).

The circuit illustrated in Figure 12 of Hirst does not include all of the limitations of the claimed invention. Specifically, in Hirst the resistor in series with the switch is not coupled to the cathode of the diode. Close examination of the Hirst circuit the resistor in series with the switch is coupled to the anode of the diode. Because of the unidirectional nature of diodes, coupling the series components to the anode versus the cathode has a significant effect on current flow and discharge of those components.

Because claims 2-4 depend from claim 1, and therefore contain the limitations of claim 1, they are distinguished from Hirst for the reasons stated above.

Therefore, it is respectfully urged that the rejection of claims 1-4 under 35 U.S.C. § 102 has been overcome and should be withdrawn.


Conclusion

It is respectfully submitted that the claims are now in condition for allowance and are patentable over the cited prior art reference.

A first Office Action on the merits is now respectfully awaited. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact David W. Carstens at 972.367.2001.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DWC', followed by a horizontal line.

David W. Carstens
Registration No. 34,134
CARSTENS, YEE & CAHOON, L.L.P.
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001 Telephone
(972) 367-2002 Facsimile